

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9010 of 2015

Arising Out of PS.Case No. -41 Year- 2014 Thana -CHANAN District- BANKA

- =====
1. Saddam Ansari @ Sadam Ansari Son of Hamid Miya
 2. Ataul Ansari Son of Hamid Miya
 3. Jaibun Bibi Wife of Saddam Ansari @ Sadam Ansari
 4. Yashoda Bibi Wife of Alaul Ansari All are Resident of village - Kurumtand, P.S. Chandan, District - Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Md. Sufiyan(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 04-03-2015 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Chandan P.S. Case No. 41 of 2014 registered under Sections-494, 498A, 494 and other minor sections of the Indian Penal Code.

The petitioner No. 1 happens to be husband, the petitioner No. 3 happens to be second wife of the petitioner No. 1 and the petitioner Nos. 2 & 4 are in-laws of the informant.

Admittedly, the marriage of informant was solemnized with the petitioner No. one 15 years ago but during life-time of the informant, the petitioner No. 1 solemnized his

marriage with petitioner No. 3.

The contention on behalf of the petitioners is that the informant herself does not want to lead her conjugal life with the petitioner No. 1 and as a matter of fact, she pressurized the petitioner No. 1 to part with from his other family members and to reside with her on her parental home.

Taking into consideration the above-said facts and circumstances as well as submission of the parties, this anticipatory bail petition is allowed and it is ordered that the petitioner Nos. 2, 3 & 4 namely, Ataul Ansari, Jaibun Bibi and Yashoda Bibi, in the event of arrest or surrender in the court below within four weeks from today, shall be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Chandan P.S. Case No. 41 of 2014 to the satisfaction of Sri Virendra Kumar Choubey, J.M. Ist Class, Banka subject to conditions as laid down u/S 438(2) of the Cr. P.C.

So far as the petitioner No. 1 namely, Saddam Ansari @ Sadam Ansari is concerned; his prayer for anticipatory bail stands disposed off with direction to the petitioner No. 1 namely, Saddam Ansari @ Sadam Ansari Son of Hamid Miya to surrender before the learned Sri Virendra Kumar Choubey, J.M. Ist Class,



/concerned court, Banka and seek regular bail within six weeks from the date of receipt/production of copy of this order and if, the petitioner does so, the petitioner No. 1 shall be enlarged on provisional bail on the date of surrender itself, for a period of four months on furnishing bail bond of Rs 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sri Virendra Kumar Choubey, J.M. Ist Class, /concerned court, Banka in connection with Chandan P.S. Case No. 41 of 2014.

It is further made clear after being released on provisional bail, the concerned court shall issue notice to the petitioner as well as the informant, fixing a date for reconciliation and shall take all efforts to patch up the dispute of the parties within four months from the date of surrender of the petitioner No. 1. It is also made clear that if, the concerned court succeeds in his attempt, the provisional bail granted to the petitioner shall be confirmed by the concerned court but if, the concerned court fails in his attempt due to rigid and non-cooperative approach of the petitioner, the provisional bail granted to the petitioner shall not be confirmed by the concerned court and in that event, the petitioner shall be taken into custody and on his regular bail petition, the order shall be passed on its own merit without being prejudiced by this order.

It goes without saying that if, the reconciliation proceeding fails due to rigid and non-cooperative approach of the informant, the provisional bail granted to the petitioner No. 1 namely, Saddam Ansari @ Sadam Ansari shall be confirmed by the concerned court itself.

(Hemant Kumar Srivastava, J)

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